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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 09/216,483      | 12/18/98    | MISHRA               | A 0138-US (P650)    |

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TIMOTHY N TROP  
TROP PRUNER HU & MILES  
8554 KATY FREEWAY STE 100  
HOUSTON TX 77024

| EXAMINER    |              |
|-------------|--------------|
| MEHRPOUR, N |              |
| ART UNIT    | PAPER NUMBER |
| 2682        | 11           |

DATE MAILED: 10/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/216,483

Applicant(s)

Kobayashi, Keji

Examiner

Naghmeh Mehrpour

Art Unit

2682



The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 11, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7-14, 16-24, 26-28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent Number 5,943,625) in view of Welty (US Patent Number 5,109,222).

Regarding **Claims 7-8, 12-13**, Yeom teaches a remote control 200 for an electronic device comprising: a first device including a processor arranged to control a radio frequency transceiver and an infrared transceiver, and a device adapted to remotely control an electronic device 11 and a telephone unit 13 adopted to enable remote communication with a telephone network (See figure 1, Column 5 lines 19-40), the telephone unit including a transceiver to remotely communicate with the telephone network, the telephone unit including a device that detect the carrier frequency of another wireless telephone and automatically tunes to the carrier frequency of another wireless telephone. Yeom remote control contains a processor that controls the radio frequency and an electronic device. Yeom fails to teach **a telephone unit including a detector to detect a carrier frequency unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone**. However Welty teaches a telephone unit

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including a detector to detect a carrier frequency unit being tunable to automatically tune to the carrier frequency of the proximate wireless telephone (Column 4 lines 23-45). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to use above teaching of Welty to Yeom, in order to use a device which can be adapted to computer and TV.

Regarding **Claims 6, 11**, Yeom teaches a remote control which forward a wireless transmission received from the telephone 13 to the electronic unit 11 (See figure 1). Yeom does not specifically mention repeater forwarding the wireless transmission. However it is well known in the art to use repeater for signal transmission. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to repeater for forwarding the wireless transmission, for the purpose of stronger signal.

Regarding **Claims 9-10**, Yeom teaches a remote control unit wherein the transceiver is a radio frequency (See figure 1, numerals 200, and 13, Column 5 lines 19-23) , inherently radio transceiver is tunable to the carrier frequency used by another wireless telephone.

Regarding **Claim 14**, Yeom teaches a remote control system wherein the control unit is adapted to act as radio frequency transceiver for telephone communications with the first device 104. In figure 1, Operation control unit 21 controls the telephone receiver 221, and telephone transmitter 261. Regarding **Claims 16, 20, 22, 26-28**, Yeom teaches a method of completing a telephone call comprising:

enabling a user to receive a telephone call on a remote control unit,

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enabling the user to control an electronic device using the remote control unit (See figure 1, Column 5 lines 19-40).

Yeom teaches a remote control 200 for an electronic device comprising: a first device including a processor arranged to control a radio frequency transceiver and an infrared transceiver, and a device adapted to remotely control an electronic device 11 and a telephone unit 13 adopted to enable remote communication with a telephone network (See figure 1, Column 5 lines 19-40), the telephone unit including a transceiver to remotely communicate with the telephone network, the telephone unit including a device that detect the carrier frequency of another wireless telephone and automatically tunes to the carrier frequency of another wireless telephone. **The first device including a storage instructions that enable the processor to prompt the user to issue a page on the user's wireless telephone.** Yeom remote control contains a processor that controls the radio frequency and an electronic device. Yeom fails to teach to specifically mentioned that **prompt the user to issue a page from the user's wireless telephone.** However Welty teaches **prompt the user to issue a page from the user's wireless telephone** (See figure 5, Column 4 lines 23-45), the electronic device 40. Therefore It would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Welty to Yeom, in order to provide a programmable remote control which is capable of automatically controlling various type of electrically operatable equipments.

Regarding **Claims 17, 24**, Yeom teaches a method that detects an incoming call and produces an off hook signal (Column 6 lines 5-20, See figure 1).

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Regarding **Claims 18-19**, Yeom teaches a method including converting signals from a telephone network into radio frequency signals and transmitting the signals to the remote control unit (Column 4 lines 60-67).

Regarding **Claims 21, 23**, Yeom teaches a remote control unit wherein the transceiver is a radio frequency (See figure 1, numerals 200, and 13, Column 5 lines 19-23) , inherently radio transceiver is tunable to the carrier frequency used by another wireless telephone.

3. **Claims 15**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeom et al. (US Patent Number 5,943,625) in view of Gouessant (US Patent Number 5,920,806).

Regarding **Claim 15**, Yeom fails teaches a control system wherein the first device is a set-top computer system. However Gouessant teaches a control system wherein the device is a set-top computer (See figure 1, Abstract, Column 3 lines 5-25). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Gouessant to Yeom, in order to use a device which can be adapted to computer and TV.

### **Response to Arguments**

4. Applicant's arguments filed 4/16/01 have been fully considered but they are not persuasive.

In response to applicant's argument that "*Yeom is preprogrammed to work with a particular telephone, but the applicant's user's can simply buy a computer system, and for example, use the remote control unit to learn the carrier system of the user's pre-purchased wireless telephone system. The remote control unit then automatically tuns to detected wireless frequency*".

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Examiner responses that as applicant mentioned Yeom is preprogrammed to work with a particular telephone. Therefore the user's can buy remote control unit that learns the carrier system of the user's by preprogramming the wireless telephone system. Another word learning is as same as preprogramming.

The rejection is repeated because the Examiner missed part of the rejection of Claim 7.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. 10.

6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308--6296, (for formal communications intended for entry)

Art Unit:

**Or:**

(703) 308-6306, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should  
be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can  
normally be reached on Monday through Thursday (first week of bi-week) and Monday through  
Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Oct 2, 2001



**VIVIAN CHANG**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**